

Application No. 10/769,177

3COM 2237-3  
(2237.CTO.US.P)**REMARKS**

In the Official Action mailed 22 September 2004, the Examiner objected to the Information Disclosure Statement because copies of the cited references were not received. The Examiner reviewed claims 1-6. The Examiner rejected claims 1-6 under the judicially created doctrine of obviousness-type double patenting.

No claims are amended. The specification is amended to provide the patent number of the parent. Claims 1-6 remain pending.

**Objection to the Information Disclosure Statement**

The Examiner objected to the Information Disclosure Statement (IDS) submitted 30 January 2004 because copies of the cited references were not received. Reconsideration is requested under 37 C.F.R. 1.98(d). The IDS identifies U.S. Application No. 09/416,827 (now patent 6,771,422) from which priority is claimed in the present application, and in which all references were previously submitted. Thus, copies should not be necessary herein.

Applicant attaches a copy of the first two pages of U.S. Patent 6,771,422, which lists the art considered in that application, which includes all of the art submitted in the IDS of 30 January 2004.

We have found a typographical error in the 30 January 2004 IDS submitted herein. U.S. Patent No. 6,088,356 was incorrectly cited in the present application as U.S. Patent No. 6,088,536. A corrected Form PTO SB/08 is attached hereto.

**Rejection of Claims 1-6 Under the Judicially Created Doctrine of Obviousness-Type Double Patenting**

Claims 1-6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 5 of U.S. Patent No. 6,771,610).

A terminal disclaimer is presented herewith.

**CONCLUSION**

It is respectfully submitted that this application is now in condition for allowance, and such action is requested.

12/15/2004 10:04 AM BAXTER BEFFEL & WOLFELD LLP

12/15/2004 10:04 AM

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The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (3COM 2237-3).

Respectfully submitted,

Dated: 15 Dec 04



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